

Appl. No. : 10/644,179
Amdt. Dated: July 17, 2008
Reply to Office Action of July 10, 2008

REMARKS

Claims 11-16, 18 and 20-24 stand rejected. Claim 11 has been amended herein.

Therefore, claims 11-16, 18, 20-24 are pending and at issue.

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claim 11 to recite "the bottom wall and peripheral wall structure defining" as suggested by the Examiner. Therefore, this rejection should be withdrawn.

Claims 11-14, 16 and 20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mason et al. This rejection should be withdrawn as Mason et al. fails to disclose or suggest one or more features recited in independent claim 11. Specifically, claim 11 recites that the panel includes an open-ended channel and that the open-ended channel extends the entire length of the panel wall. Mason et al. simply fails to disclose or suggest this structure.

Specifically, referring to Figure 2, Mason instead discloses flanges 50 which help to center the alleged panel on the drawer. As seen towards the bottom left hand corner of Figure 2, the flange extensions extend within a space next to the flanges 50. Moreover, Mason et al. states "the back side 40 is bent in such a way as to have a folded envelope appearance which includes securing means in the form of an L-shaped flange 48 across the top of the outer drawer head 20 and inwardly directed side flanges 50." (Emphasis added). This folded envelope appearance, combined with the side flanges 50, prevents the alleged channel from being open-ended as the side flanges 50 close the ends of the channel. Furthermore, Mason et al. cannot be modified as the reference specifically states that the inwardly directed side flanges 50 are required to center the outer drawer head 20 on the inner drawer head. (col. 3, l. 15-17). Therefore, Mason et al.

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fails to disclose or suggest one or more features recited in claim 11 and the rejection should be withdrawn and the claim allowed.

Mason et al. fails to disclose other related structure in claim 11. Specifically, claim 11 further recites that the attachment portions of the mounting structures are laterally slidably receivable in the channel of the front panel. As discussed *supra*, the inwardly directed side flanges 50 are folded from the sides of the panel and are used to center the panel on the drawer. This structure prevents the panel, or any included structure, from being laterally slidable. Instead, the panel in Mason et al. swings downwardly when inserted. Mason et al. explains "the outer drawer head 20 is secured to the drawer body 10 by inserting the L-shaped flange of the outer drawer head 20 onto the upwardly projecting flange 34 of the inner drawer head 18 at an angle, then swinging the outer drawer head 20 downward." Therefore, the structure in Mason et al. is incapable of being laterally slidable, as recited in claim 11. For this additional reason, this rejection is improper and should be withdrawn.

Claims 21-22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mason et al. This rejection should also be withdrawn for similar reasons to those presented above with respect to claim 11. Specifically, independent claim 21 recites a method of making a drawer having structure similar to the structure recited in claim 11. As presented *supra*, Mason et al. does not disclose an open-ended channel and that the open-ended channel extends the entire length of the panel wall and that the attachment portions of the mounting structures are laterally slidably receivable in the channel of the front panel. Therefore, as Mason et al. fails to disclose or suggest one or more features recited in the method of independent claim 21, as well as dependent claim 22, this rejection should be withdrawn.

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Claims 11, 12, 14, 15, 18, 20 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hansen et al. in view of Owen and further in view of Abernathy et al. However, this rejection should be withdrawn as the cited references, taken alone or in combination, fail to disclose or suggest the structure recited in claim 11.

As an initial matter, the Office Action has failed to provide sufficient detail to inform the Applicants of which structure is actually being asserted. Specifically, referring to pages 5-7, the Office Action refers to elements 11-12 in Hansen as allegedly being the peripheral wall structure and that Hansen allegedly includes a front panel 10. Beyond these two alleged structures, the Office Action fails to point to any structure whatsoever in the asserted references. Instead, the Office Action simply continues on restating the language recited in the present claims.

Applicants are unclear as to what structure in the cited references is being alleged by the Office Action. For example, claim 11 recites first and second mounting structures on the end portions of the peripheral walls where each includes a base portion projecting forwardly and an attachment portion projecting from the base portion. The Office Action simply alleges "the peripheral wall having first and second mounting structures on the respective end portion of the peripheral wall structure, each mounting structure including a base portion projecting forwardly from the peripheral wall structure and an attachment portion projecting from the base portion." The Office Action simply fails to identify which structures meet the limitations, instead making conclusory statements. Without further details, Applicants are unable to adequately respond to the Office Action. Applicants specifically request that the Examiner provide further details as to how the cited references disclose the features recited in the claims.

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However, in hopes of resolving this matter without the need for further Actions, Applicants will attempt to identify any structures the Office Action might possibly allege in the cited references.

Claim 11 recites that the bottom wall and the peripheral wall define a drawer space and that the attachment portions project laterally inwardly from the respective base portions toward the drawer space. Hansen et al. does not disclose or suggest this structure, but instead, at best, discloses attachment portions (dovetails) that extend outwardly and away from the drawer space. The dovetails cannot possibly be construed to project laterally inwardly from a base portion, as recited in claim 11. Assuming the Office Action is alleging the dovetails are the base portion (which currently, the Office Action does not specifically indicate which structure in Hansen meets this limitation), there are no attachment portions whatsoever, let alone that such non-existent attachment portions extend inwardly. Even if the Office Action were to assert that the dovetails are the base and attachment portions, none of the structures project laterally inwardly from the wall. The Office Action fails to specifically identify any structure whatsoever which meets this limitation. Therefore, for this reason alone, this rejection should be withdrawn.

Furthermore, the Office Action fails to address this argument which was made in the previous Amendment, instead attempting to counter a combination-type argument, which was not made in the previous Amendment. Regardless of the Office Action's failure to address this argument, Hansen simply fails to disclose this recited structure. Owen and Abernathy add nothing in this regard. Therefore, as the cited references, when taken alone or in combination, fail to disclose or suggest the recited structure, the rejection should be withdrawn.

Additionally, the cited references fail to disclose or suggest even more recited structures. The Office Action correctly acknowledges that Hansen fails to disclose or suggest an attachment

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portion projecting substantially parallel to the rear surface of the panel wall for cooperation with the rear surface of the wall to define an open-ended channel therebetween that extends the entire length of the panel wall.

To overcome this deficiency, the Office Action cites Abernathy alleging that the reference discloses a projection 11 on the wall extending substantially parallel to the rear surface of the wall. However, claim 11 recites the alleged structure as being located on a front panel to slidably receive the attachment portions of the drawer body. The structure cited by the Office Action is actually a guide structure for inserting a drawer into a chassis and not the recited front panel and drawer. Moreover, the Office Action fails to address the entire structure recited in the claim. The claim recites that the rear surface of the panel and the attachment portion define a channel. The structure in Abernathy is actually an extruded guide that is affixed to an interior portion of the cabinet. Thus, the alleged channel is defined entirely by the extruded structure and not be the rear surface of the panel. Therefore, for this additional reason, the rejection should be withdrawn.

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CONCLUSION

Applicant respectfully requests entry of the present amendment, reconsideration of the rejection of the claims and allowance of the case. If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (25493-457390) on the account statement.

Respectfully submitted,

By 

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